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EXAMINER
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OSTERHOUT, BENJAMIN LEE

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1711

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/583,699  
Filing Date: March 06, 2009  
Appellant(s): REHM ET AL.

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Andre Pallapies  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 05 May 2010 appealing from the Office action mailed 09 December 2009.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 13-32 are being appealed.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

WO 02/12610 A1	Park et al.	02-2002
US PG Pub. 20030205954	Oyler et al.	11-2003
US Patent No. 5,917,690	Anderson	06-1999
US Patent No. 5,915,851	Wattrick et al.	06-1999
US PG Pub. 20020131243	Harrison et al.	09-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 13, 15-18, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Patent Application Publication WO 02/12610 A1 to Park et al. (Park).**

Regarding claim 13, Park teaches a washing machine (Fig. 4, generally) which includes an electronic controller for controlling washing in a body (not shown, page 6, ll. 20-22) wherein the device includes a circuit board (programmable control module, Fig. 4, part 20) connected for exchange of electrical signal with a controller and a connection port (interface, Fig. 4, part 30) on the circuit board for exchange of data related to washing with an external device (page 6, ll. 23-26) wherein Figure 4 clearly shows access to the connection port (interface, Fig. 4, part 30) without dismantling parts of the washing machine.

Regarding claim 15, Park also teaches that the connection port (Fig. 4, part 30) includes a plurality of pins (contacts, Fig. 4, part 33) which is a type of plug connection.

Regarding claim 16, Park teaches an embodiment of the circuit board (programmable control module, Fig. 8, part 20) connected to a radio transceiver (interface, Fig. 8, part 72) which communicates with an external radio transceiver (Fig.

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8, part 71) through the use of UV communication (page 14, ll. 10-14) a type of wireless radio connection wherein one of ordinary skill in the art realizes that said device must include some form of memory means in order to retain and execute the programmed cycle.

Regarding claim 17, Park teaches that the programmable control module is a circuit board (Fig. 4, part 20) which one of ordinary skill in the art understands to include electronic components and furthermore Park anticipates the possibility of shorting out of electronic components thereby preferring to use a structure that inhibits the flow of water to the electronic components (page 8, ll. 25-29). The language in claim 17, “preferably at least one microprocessor and/or memory means” is not a positive recitation; and therefore said language is regarded as optional language which does not require or provide a further structural limitation to the claim language.

Regarding claim 18, Park also anticipated the updating of the program in order to improve washing performance (page 1, ll. 19-22) therefore one of ordinary skill in the art would understand that the circuit board (Fig. 4, part 20) which receives information via the connection port (interface, Fig. 4, part 30) further includes a program to determine the wash cycle of the washing machine (See also page 6, ll. 20-22).

Regarding claim 22, Park teaches that the circuit board (programmable control module, Fig. 4, part 20) is a part of the controller for controlling washing in a body (not shown, page 6, ll. 20-22) and therefore is connected to the washing machine. One of ordinary skill in the art at the time of the invention would understand that since the controller is a type of electronic controller it uses electricity in order to send/receive input

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and output, therefore the controller clearly has an electrical connection to the washing machine.

**Claims 13-14, 24, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20030205954 to Oyler et al. (Oyler) in view of WIPO Patent Application Publication WO02/12610 A1 to Park et al. (Park).**

Regarding claims 13 and 14, Oyler teaches a dishwasher with a control module in the door assembly (paragraph 1, ll. 1-3 and paragraph 47, ll. 7-9). Oyler does not teach that the control module has an interface that can be accessed for programming without dismantling parts of the dishwasher.

Park teaches a washing machine (Fig. 4, generally) which includes an electronic controller for controlling washing in a body (not shown, page 6, ll. 20-22) wherein the device includes a circuit board (programmable control module, Fig. 4, part 20) connected for exchange of electrical signal with a controller and a connection port (interface, Fig. 4, part 30) on the circuit board for exchange of data related to washing with an external device (page 6, ll. 23-26) wherein Figure 4 clearly shows access to the connection port (interface, Fig. 4, part 30) from an exterior of the washing machine in order to update the washing technology of the washing machine (page 2, ll. 2-10 and 18-20) without have to dismantle parts of the washing machine.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the control module of Oyler with the controller and programmable control module of Park in order to update the washing technology of the dishwasher of Oyler without having to dismantle parts of the dishwasher.

Regarding claim 24, Oyler in view of Park is relied upon as above in claim 14. Oyler in view of Park teach the accessible control module in a dishwasher that can be accessed from outside the dishwasher. Oyler in view of Park do not teach that the programmable control module is located in a bottom tray of the dishwasher.

However, the placement of the controller in a bottom tray of a dishwasher is a matter of obvious engineering choice. See MPEP 2144.04 VI, C; *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). The bottom trays are easily accessible and unobstructed by use of the dishwasher. Furthermore, even if the control module were placed in the bottom tray of the dishwasher, the movement of the control module would still achieve the predictable result of being able to be accessed from an exterior of the dishwasher in order to be updated. Therefore said movement of the control module would not have modified the operation of the control module.

Regarding claim 26, Oyler in view of Park is relied upon as above in claim 14. Oyler in view of Park do not teach that the programmable control module is located adjacent to the interface, and the programmable control module and the interface are located at a rear wall of a bottom tray of the washing appliance.

However, the placement of the controller adjacent to the interface and said controller at a rear wall of a bottom tray of a dishwasher is a rearrangement of parts that

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would have been a matter of obvious engineering choice for one of ordinary skill in the art at the time of the invention. See MPEP 2144.04 VI, C; *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). The bottom trays are easily accessible and unobstructed by use of the dishwasher. Furthermore, even if the control module were placed in the bottom tray of the dishwasher, the movement of the control module would still achieve the predictable result of being able to be accessed from an exterior of the dishwasher in order to be updated. Therefore said movement of the control module would not have modified the operation of the control module.

Regarding claims 27-29, Oyler teaches a dishwasher with a control module in the door assembly (paragraph 1, ll. 1-3 and paragraph 47, ll. 7-9). Oyler does not teach that the control module has an interface that can be accessed for programming without dismantling parts of the dishwasher.

Park teaches a washing machine (Fig. 4, generally) which includes an electronic controller for controlling washing in a body (not shown, page 6, ll. 20-22) wherein the device includes a circuit board (programmable control module, Fig. 4, part 20) connected for exchange of electrical signal with a controller and a connection port (interface, Fig. 4, part 30) on the circuit board for exchange of data related to washing with an external device (page 6, ll. 23-26) wherein Figure 4 clearly shows access to the connection port (interface, Fig. 4, part 30) from an exterior of the washing machine in order to update the washing technology of the washing machine (page 2, ll. 2-10 and 18-20) without have to dismantle parts of the washing machine.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the control module of Oyler with the controller and programmable control module of Park in order to update the washing technology of the dishwasher of Oyler without having to dismantle parts of the dishwasher.

Oyler in view of Park do not teach that the programmable control module is located adjacent to the interface, and the programmable control module and the interface are located at a rear wall of a bottom tray of the washing appliance.

However, the placement of the controller adjacent to the interface and said controller at a rear wall of a bottom tray of a dishwasher is a rearrangement of parts that would have been a matter of obvious engineering choice for one of ordinary skill in the art at the time of the invention. See MPEP 2144.04 VI, C; *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). The bottom trays are easily accessible and unobstructed by use of the dishwasher. Furthermore, even if the control module were placed in the bottom tray of the dishwasher, the movement of the control module would still achieve the predictable result of being able to be accessed from an exterior of the dishwasher in order to be updated. Therefore said movement of the control module would not have modified the operation of the control module.

Regarding claim 30, Park also anticipated the updating of the program in order to improve washing performance (page 1, ll. 19-22) therefore one of ordinary skill in the art would understand that the circuit board (Fig. 4, part 20) which receives information via the connection port (interface, Fig. 4, part 30) further includes a program to determine the wash cycle of the washing machine (See also page 6, ll. 20-22).

Regarding claim 31, Oyler teaches a dishwasher with a control module in the door assembly (paragraph 1, ll. 1-3 and paragraph 47, ll. 7-9). Oyler does not teach that the control module has an interface that can be accessed for programming without dismantling parts of the dishwasher.

Park teaches a washing machine (Fig. 4, generally) which includes an electronic controller for controlling washing in a body (not shown, page 6, ll. 20-22) wherein the device includes a circuit board (programmable control module, Fig. 4, part 20) connected for exchange of electrical signal with a controller and a connection port (interface, Fig. 4, part 30) on the circuit board for exchange of data related to washing with an external device (page 6, ll. 23-26) wherein Figure 4 clearly shows access to the connection port (interface, Fig. 4, part 30) from an exterior of the washing machine in order to update the washing technology of the washing machine (page 2, ll. 2-10 and 18-20) without have to dismantle parts of the washing machine.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the control module of Oyler with the controller and programmable control module of Park in order to update the washing technology of the dishwasher of Oyler without having to dismantle parts of the dishwasher.

Oyler in view of Park do not teach that the programmable control module is located adjacent to the interface, and the programmable control module and the interface are located at a rear wall of a bottom tray of the washing appliance.

However, the placement of the controller adjacent to the interface and said controller at a rear wall of a bottom tray of a dishwasher is a rearrangement of parts that

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would have been a matter of obvious engineering choice for one of ordinary skill in the art at the time of the invention. See MPEP 2144.04 VI, C; *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). The bottom trays are easily accessible and unobstructed by use of the dishwasher. Furthermore, even if the control module were placed in the bottom tray of the dishwasher, the movement of the control module would still achieve the predictable result of being able to be accessed from an exterior of the dishwasher in order to be updated. Therefore said movement of the control module would not have modified the operation of the control module.

Whereby one of ordinary skill realizes that the interface may be accessed without a dismantling (see above modification) and a program may be sent for updating the controller (page 1, ll. 19-22 and page 6, ll. 20-22).

Regarding claim 32, Oyler in view of Park is relied upon as above in claim 31. One of ordinary skill in the art also realizes that the dishwasher of Oyler in view of Park may be updated with a new rinsing sequence as Park anticipates that the program may be updated (page 2, ll. 2-10 and 18-20).

**Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Patent Application Publication WO02/12610 A1 to Park et al. (Park) in view of U.S. Patent No. 5917690 to Anderson.**

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Regarding claim 19, Park is relied upon as above in claim 13. Park does not teach the use of a power supply input filter on the programmable control module (circuit board) for filtering higher frequencies.

Anderson teaches regulated current power supply (col. 1, ll. 11-12) wherein the power supply uses an input filter to reject internal noise (col. 2, ll. 52-56) wherein such internal noise may interfere with the signals sent among the various electrical components.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the program control module (circuit board) of Park with the power supply input filter of Anderson in order to reject internal noise wherein such internal noise may interfere with the signals sent among the various electrical components of the washing machine.

With regards to finding an optimal predetermined range one of ordinary skill in the art through routine experimentation may have discovered such range. See MPEP 2144.05, Section II, Part A.

Regarding claim 25, Park in view of Anderson is relied upon as above in claim 19. Park in view of Anderson does not teach that wherein the power supply input filter is for filtering out frequencies in the range of 150kHz to 30MHz or from 30MHZ to 300MHz.

While Park in view of Anderson discloses the claimed invention except for 150kHz to 30MHz or from 30MHZ to 300MHz, it would have been obvious to one skilled in the art at the time of invention to use the claimed range of claim 25, since it has been

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held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum workable ranges involves only routine skill in the art (see MPEP 2144.05, Section II, Part A).

**Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Patent Application Publication WO02/12610 A1 to Park et al. (Park) in view of U.S. Patent 5915851 to Wattrick et al. (Wattrick).**

Regarding claim 20, Park is relied upon as above in claim 13. Park does not teach that the control module includes a primary power plug connector for the power supply of the control module and appliance. At the very least one of ordinary skill in the art would understand the control module of Park to be hardwired in order to receive electricity.

Wattrick teaches a home appliance for water dispensing and draining (col.1, ll. 5-7) wherein the electrical plug connector registers with a compatible plug of the control module (col. 6, ll. 39-40).

Since Park and Wattrick each teach means for connecting the control module and appliance to power it would have been obvious to one of ordinary skill in the art to replace the hard wired means with the plug connector means in order to achieve the predictable result of supplying power to the control module and appliance.

Regarding claim 21, the claim language for this claim is intended use. One of ordinary skill in the art could arrange the components or a connector wherein the

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interface and the power plug connector can be contacted by a complimentary combination plug connector. In this claim, Appellant has not per se limited the structure of the control module, but rather recited a structure of a combination plug connector that Appellant is not positively claiming. However, it would have been obvious to one of ordinary skill in the art to create a plug connector with ends that engage each other so that a communication/electrical path may be created.

**Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over**  
**WIPO Patent Application Publication WO02/12610 A1 to Park et al. (Park) in view**  
**of U.S. Patent Application Publication No. 20020131243 to Harrison et al.**  
**(Harrison).**

Regarding claim 23, Park is relied upon as above in claim 13. Park teaches a washing machine (Fig. 4, generally) which includes a controller for controlling washing in a body (not shown, page 6, ll. 20-22) wherein the device includes a circuit board (programmable control module, Fig. 4, part 20) on which one of ordinary skill in the art understands to include electronic components and furthermore Park anticipates the possibility of shorting out of electronic components thereby preferring to use a structure that inhibits the flow of water to the electronic components (page 8, ll. 25-29). Park does not teach that the washing machine has a complementarily constructed slot to receive the board, wherein a section at the edge of the board is preferably embodied as an electrical connection with a number of electrical contacts.

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Harrison teaches a circuit board with electrical contacts on its edge (Fig. 1, part 11 and part 12) and slot connector assembly (paragraph 1, ll. 1-2) wherein a circuit board may be removably inserted into a slot connector for the purposes of mechanically and electrically coupling the circuit board to a motherboard (paragraph 15, ll. 1-6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the controller and programmable control module of Park with the circuit board with electrical contacts and slot connector assembly of Harrison in order to removably, mechanically, and electrically couple the circuit board to the controller.

#### **(10) Response to Argument**

**(A) Claims 13, 15-18, and 22 are Anticipated under 35 U.S.C. 102(b) by WIPO Patent Application Publication WO 02/12610 A1 to Park et al. (Park).**

Regarding claim 13, Appellant argues that the controller of Park is not disclosed as controlling rinsing program sequences.

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Examiner finds that the controller of Park inherently controls rinsing sequences. Park teaches a washing machine (Fig. 4, generally) which includes an electronic controller for controlling washing in a body (not shown, page 6, ll. 20-22) and one of ordinary skill realizes that rinsing sequences are part of a routine program that washing machines use in order to clean clothes, ware, etc.

Regarding claim 18, Appellant argues that Park does not disclose any operating system used for programming the control module.

Examiner finds that the use of an operating system is inherent as a program must be executed through another program that operates as an interface (hence the operating system). Also, in order for any information to be read from a module that is to update the controller of the washing machine, an operating system must be on board for reading said information and updating the controller. Furthermore, operating systems are notoriously well known in the prior art by one of ordinary skill in the art and the washing machine must have at least one operating system in order to run through the sequences of the washing operation. Lastly, Appellant has failed to convey to Examiner why this feature is patentable.

Regarding claim 22, Appellant argues that Park does not show or discuss how a programmable control module is electrically connected to an appliance.

Park teaches that the washing machine (Fig. 4, generally) which includes an electronic controller for controlling washing in a body (not shown, page 6, ll. 20-22) wherein the device includes a circuit board (programmable control module, Fig. 4, part 20) connected for exchange of an electrical signal with a controller and a connection

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port (interface, Fig. 4, part 30) on the circuit board for exchange of data related to washing with an external device (page 6, ll. 23-26) and Park anticipates the uploading of an updated program to the washing machine (page 2, ll. 2-7). One of ordinary skill realizes that the controller and the washing machine are inherently electrically connected or else the controller would not be able to control the functioning of the washing machine. Lastly, Park teaches that an electrical connection (defined as able to transmit an electrical signal, such as: for updating the washing machine) of the washing machine and controller may be provided through the group plug with a plurality of contact (Fig. 3B, part 30 and Fig. 4, parts 30 and 33). Appellant does not realize the breadth of the claimed language in claim 22 and therefore Appellant has limited through argument the desired meets and bounds of the claim. However, Appellant should have amended the claim to limit said language to the “electrical connection between the control module and appliance embodied as a group plug” as argued, rather Appellant’s claim language provides for a general electrical connection of the control module with the appliance embodied as a group plug which Park clearly teaches.

Finally, Examiner finds that Park teaches that the circuit board (programmable control module, Fig. 4, part 20) is a part of the controller for controlling washing in a body (not shown, page 6, ll. 20-22) and therefore is connected to the washing machine. One of ordinary skill in the art at the time of the invention would understand that since the controller is a type of electronic controller it uses electricity in order to send/receive input and output, therefore the controller clearly has an electrical connection to the washing machine. Next, one of ordinary skill realizes that the plug connector in Fig. 4,

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part 30 provides the electrical connection of the PC with the appliance through the programmable control module.

**(B) Claims 13-14, 24, and 26-32 are Unpatentable under 35 U.S.C. 103(a) over U.S. Patent Application Publication No. 20030205954 to Oyler et al. (Oyler) in view of WIPO Patent Application Publication WO 02/12610 A1 to Park et al. (Park).**

Regarding claims 13 and 14, Appellant argues that the Oyler reference does not remedy the deficiencies of the Park reference, specifically with regard to the claim limitation concerning the rinsing program sequences.

Examiner finds that the controller of Park inherently controls rinsing sequences. Park teaches a washing machine (Fig. 4, generally) which includes an electronic controller for controlling washing in a body (not shown, page 6, ll. 20-22) and one of ordinary skill realizes that rinsing sequences are part of a routine program that washing machines use in order to clean clothes, ware, etc. Furthermore, Oyler teaches a controller and one of ordinary skill realizes that said controller controls the washing operation of the dishwasher and that the washing operation inherently includes a rinsing sequence.

Regarding claims 24, Appellant argues that the cited prior art does not teach that the control module is located in the bottom tray of the dishwasher.

Appellant argues that said placement is not obvious because said placement allows for the final testing of the dishwasher after production and that this reduces the

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cost of production. First, Examiner has dealt with the placement of the controller without having to dismantle the washing machine as above in Park. Second, Examiner finds that reducing costs is always a driving factor in industry. Furthermore Examiner finds that Park teaches, as modified with Oyler, that said controller may be reached from the back of the machine without dismantling the machine; and therefore accessibility without disassembly is the desired goal for easily/quickly (in a timely manner) updating the controller and therefore placing the controller in an accessible place without dismantling the washer saves time which reduces costs wherein said placement is an obvious design choice to achieve the desired result of reducing costs (production or otherwise). Therefore, Examiner is not convinced of Appellants' secondary consideration.

Regarding claim 26, Appellant argues that the cited prior art does not teach that the control module and the interface are located at a rear wall of a bottom tray of the washing appliance.

Appellant argues that said placement is not obvious because said placement allows for the final testing of the dishwasher after production and that this reduces the cost of production. First, Examiner has dealt with the placement of the controller without having to dismantle the washing machine as above in Park. Second, Examiner finds that reducing costs is always a driving factor in industry. Furthermore Examiner finds that Park teaches, as modified with Oyler, that said controller may be reached from the back of the machine without dismantling the machine; and therefore accessibility without disassembly is the desired goal for easily/quickly (in a timely

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manner) updating the controller and therefore placing the controller in an accessible place without dismantling the washer saves time which reduces costs wherein said placement is an obvious design choice to achieve the desired result of reducing costs (production or otherwise). Therefore, Examiner is not convinced of Appellant's secondary consideration.

Regarding claim 27 and 28, Appellant argues that the cited prior art does not teach that the control module and the interfaces are located at a rear wall of a bottom tray of the washing appliance.

Appellant argues that said placement is not obvious because said placement allows for the final testing of the dishwasher after production and that this reduces the cost of production. First, Examiner has dealt with the placement of the controller without having to dismantle the washing machine as above in Park. Second, Examiner finds that reducing costs is always a driving factor in industry. Furthermore Examiner finds that Park teaches, as modified with Oyler, that said controller may be reached from the back of the machine without dismantling the machine; and therefore accessibility without disassembly is the desired goal for easily/quickly (in a timely manner) updating the controller and therefore placing the controller in an accessible place without dismantling the washer saves time which reduces costs wherein said placement is an obvious design choice to achieve the desired result of reducing costs (production or otherwise). Therefore, Examiner is not convinced of Appellant's secondary consideration.

Regarding claim 29, Appellant argues that the cited prior art does not teach that the programmable control module and the interface are located in the bottom tray of the dishwasher.

Appellant argues that said placement is not obvious because said placement allows for the final testing of the dishwasher after production and that this reduces the cost of production. First, Examiner has dealt with the placement of the controller without having to dismantle the washing machine as above in Park. Second, Examiner finds that reducing costs is always a driving factor in industry. Furthermore Examiner finds that Park teaches, as modified with Oyler, that said controller may be reached from the back of the machine without dismantling the machine; and therefore accessibility without disassembly is the desired goal for easily/quickly (in a timely manner) updating the controller and therefore placing the controller in an accessible place without dismantling the washer saves time which reduces costs wherein said placement is an obvious design choice to achieve the desired result of reducing costs (production or otherwise). Therefore, Examiner is not convinced of Appellant's secondary consideration.

Regarding claim 30, Appellant argues that Oyler in view of Park does not disclose any operating system used for programming the control module.

Examiner finds that the use of an operating system is inherent as a program must be executed through another program that operates as an interface (hence the operating system). Also, in order for any information to be read from a module that is to update the controller of the washing machine, an operating system must be on board for

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reading said information and updating the controller. Furthermore, operating systems are notoriously well known in the prior art by one of ordinary skill in the art and the washing machine must have at least one operating system in order to run through the sequences of the washing operation. Lastly, Appellant has failed to convey to Examiner why this feature is patentable.

Regarding claims 31 and 32, Appellant argues that the cited prior art does not teach that the programmable control module and interface are located at a rear wall of the washing appliance.

Appellant argues that said placement is not obvious because said placement allows for the final testing of the dishwasher after production and that this reduces the cost of production. First, Examiner has dealt with the placement of the controller without having to dismantle the washing machine as above in Park. Second, Examiner finds that reducing costs is always a driving factor in industry. Furthermore Examiner finds that Park teaches, as modified with Oyler, that said controller may be reached from the back of the machine without dismantling the machine; and therefore accessibility without disassembly is the desired goal for easily/quickly (in a timely manner) updating the controller and therefore placing the controller in an accessible place without dismantling the washer saves time which reduces costs wherein said placement is an obvious design choice to achieve the desired result of reducing costs (production or otherwise). Therefore, Examiner is not convinced of Appellant's secondary consideration.

**(C) Claims 19 and 25 are Unpatentable under 35 U.S.C. 103(a) over WIPO Patent Application Publication WO02/12610 A1 to Park et al. (Park) in view of U.S. Patent No. 5917690 to Anderson.**

Regarding claims 19 and 25, Appellant argues that the Anderson reference does not teach or suggest the feature of an electronic program controller for controlling rinsing program sequences, that the Anderson reference is non-analogous art, and hindsight reconstruction.

With regards to the rinsing program sequences, Examiner has dealt with the inherency of this claim limitation as above in claim 13.

With regards to the Anderson reference being non-analogous art, Anderson is clearly concerned with solving the same or similar problem encountered by that of Appellant. Anderson teaches the regulating of a power supply and wherein said power supply uses an input filter to reject internal noise wherein said noise may interfere with the signals sent among the various electrical components and finding the optimum frequency of said filter is routine experimentation. The current invention is obviously concerned with the same problem of filtering out certain internal noises that may interfere with the transmission of signals to the various electrical components of the washing machine caused by or linked to the power supply of said washing machine.

With regards to hindsight reconstruction, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the

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level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Appellant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

**(D) Claims 20-21 are Unpatentable under 35 U.S.C. 103(a) over WIPO Patent Application Publication WO02/12610 A1 to Park et al. (Park) in view of U.S. Patent 5915851 to Wattrick et al. (Wattrick).**

Regarding claims 20 and 21, Appellant argues that the Wattrick reference does not teach or suggest the feature of an electronic program controller for controlling rinsing program sequences, that the Wattrick reference is non-analogous art, and hindsight reconstruction.

With regards to the rinsing program sequences, Examiner has dealt with the inherency of this claim limitation as above in claim 13.

With regards to the Wattrick reference being non-analogous art, Wattrick is clearly concerned with solving the same or similar problem encountered by that of Appellant. Wattrick teaches a home appliance wherein the electrical plug connector registers with a compatible plug of the control module, and are therefore complimentary. Therefore Wattrick has addressed the same problem of Appellant of how to supply power to the appliance/control module. Furthermore, one of ordinary skill in the art could arrange the components or a connector wherein the interface and the power plug connector can be contacted by a complimentary combination plug connector. In claim

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21, Appellant has not per se limited the structure of the control module, but rather recited a structure of a combination plug connector that Appellant is not positively claiming. However, it would have been obvious to one of ordinary skill in the art to create a plug connector with ends that engage each other so that a communication/electrical path may be created. Furthermore, Appellant should take note that the adapted to language is considered intended use and the appliance of Park in view of Watrick is capable of performing said intended use.

With regards to hindsight reconstruction, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Appellant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

**(E) Claim 23 is Unpatentable under 35 U.S.C. 103(a) over WIPO Patent Application Publication WO02/12610 A1 to Park et al. (Park) in view of U.S. Patent Application Publication No. 20020131243 to Harrison et al. (Harrison).**

Regarding claim 23, Appellant argues that the Harrison reference does not teach or suggest the feature of an electronic program controller for controlling rinsing program

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sequences, that the Harrison reference is non-analogous art, and hindsight reconstruction.

With regards to the rinsing program sequences, Examiner has dealt with the inherency of this claim limitation as above in claim 13.

With regards to the Harrison reference being non-analogous art, Harrison is clearly concerned with solving the same or similar problem encountered by that of Appellant. Harrison teaches a means of connecting a circuit board with electrical contacts on its edge in a slot connector assembly thereby allowing for a removable mechanical/electrical coupling to a main board/controller. Therefore Harrison has addressed the same problem of Appellant of how to mechanically and electrically couple the program control module board to a complimentary slot.

With regards to hindsight reconstruction, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Appellant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/BLO/

Benjamin L. Osterhout

Assistant Examiner, Art Unit 1711

14 July 2010

Conferees:

/Michael Barr/

/M. B./

Supervisory Patent Examiner, Art Unit 1711